

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY J. FOGLE,

Defendant.

)
)
)
)
)
)
)
)
)
)

8:05CR126

ORDER

This matter is before the court on defendant's unopposed MOTION TO EXTEND DUE DATE FOR FILING OF PRETRIAL MOTIONS [25]. For good cause shown, I find that the motion should be granted. The defendant will be given the requested approximate 30-day extension. Pretrial Motions shall be filed by May 27, 2005.

IT IS ORDERED:

1. Defendant's MOTION TO EXTEND DUE DATE FOR FILING OF PRETRIAL MOTIONS [25] is granted. Pretrial motions shall be filed on or before **May 27, 2005**. Defendant is ordered to file a waiver of speedy trial as soon as practicable.

2. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between April 27, 2005 and May 27, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED April 27, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**